Supreme Court, U.S.
FILED

No. 97 1299 FEB 6 1998

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IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1997

WOODROW WILLIAMS, JR.
AND
GERALDINE J. WILLIAMS

Petitioners,

- v -

SHERWIN E. TURK
AND
RASHEL TURK

Respondents.

On Petition For Writ of Certiorari
To The Court of Appeals, Annapolis, Maryland

PETITION FOR WRIT OF CERTIORARI

Woodrow Williams, Jr.
Geraldine Williams
pro se
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QUESTIONS

It is said that there is the Law -- BUT -- there is something more important that is above the Law -- and that is -- JUSTICE.

JUSTICE IS THE MOST IMPORTANT CONSIDERATION FOR THE PRESERVATION OF THE LAND AND ITS PEOPLE.

1. Should a Court that is **compelled** to Uphold and Administer the Law **equitably and fairly** so that **Justice prevails,** as well as uphold **Law set down by the United States Supreme Court and passed by Congress,** retain a "Lis Pendens" recorded against the subject property and then, ultimately, return a primary residence to the injured Petitioners, who are senior citizens, and declare the foreclosure on this primary residence as invalid, null and void, and convey the property known as 12517 S. Stable House Court, Potomac, Maryland, back to the Petitioners as provided by Law.

2. Did the lower courts improperly apply the Standards of Law regarding the automatic stay under the applicable Bankruptcy Code, 11 U.S.C.A. 362 afforded to the petitioner in a bankruptcy proceeding. The lower court completely ignored the facts that there was **never a lift stay hearing, that the petitioners had no knowledge of a consent order and did not sign the consent order, that the consent order was defective, nor did the petitioners give their permission to anyone to sign the consent order, and that even after foreclosure, the auditor's report is false based on information given to the auditor by the foreclosing parties. The Consent Order, itself, is defective and erroneous**

making the Consent Order invalid and the foreclosure must be overturned on that one issue alone.

False documentation cannot uphold a foreclosure and make the foreclosure valid. The Court is compelled to return the Petitioners' property.

11 U.S.C. 362 states that an individual injured by a violation of the automatic stay shall recover actual damages, including costs and in appropriate circumstances, may recover punitive damages.

3. **Is the denial by the Special Court of Special Appeals, Annapolis, Maryland contrary to Amendment XIV of the United States Constitution, which provides;**

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside or their property is located.

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or **property**, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

JURISDICTION

This is a Petition for Writ of Certiorari, this date, February 6, 1998, from a Denial of a Motion for Reconsideration by the Court of Appeals in Annapolis dated November 13, 1997, and a Per Curiam Report from the Special Court of Appeals denying Appeal dated June 6, 1997. Copy of Order and Per Curiam attached (Exhibit A).

STATEMENT OF THE CASE

This Petition arises out of an action brought by the Appellees, Sherwin Turk and Rashel Turk, in the Circuit Court for Montgomery County, Rockville, Maryland, against the Appellants, Geraldine Williams and Woodrow Williams, for a "Lis Pendens" to be released of record so that the Respondents can sell the Petitioner's primary residence of 20 years. Petitioners filed for bankruptcy to protect their primary property and the Petitioners were under the protection of the bankruptcy code, Chapter 13, making payments to a Trustee, which absolutely precluded a foreclosure of the Petitioners'

primary residence. An equity of approximately $150,000.00 belonging to the petitioners and part of the bankruptcy proceeding precluded the foreclosure from taking place as set down by the Supreme Court in the case "Timbers of Inwood". The Petitioners' primary residence was the main reason to file for bankruptcy and to protect their property from foreclosure. The Petitioners were in an approved payment plan under Chapter 13 **(E-B)**, making payments to the Trustee of the Court. The foreclosure was a wrongful foreclosure and the Court is compelled to declare the foreclosure invalid and improper, rendering the foreclosure "null and void".

Petitioners, Geraldine Williams and Woodrow W. Williams, Jr., filed and recorded among the Land Records for Montgomery County, Maryland, a "Lis Pendens" against the property known as 12517 S. Stable House Ct., Potomac, Maryland 20854, the Petitioners' primary residence of 20 years. The Petitioners filed this Lis Pendens against this real property to prevent any "innocent" buyer from becoming

involved in a wrongful foreclosure and in becoming involved in the deception, lies, misrepresentations, and false affidavits filed by the respondents and keeping an unsuspecting buyer from becoming involved in property that is not free and clear from all encumbrances.

ARGUMENT

The Respondents, Sherwin and Rashel Turk, **do not** have existing venue in their claim to have the "Lis Pendens" released of record pursuant to section 14-108 of the Real Property Code of Maryland. The Respondents are the perpetrators of fraud against the Petitioners regarding their (the Petitioners') property referred to as real property located at 12517 S. Stable House Court, Potomac, Maryland 20854, also known as Lot 2, Block E, Potomac Commons. Venue under the Real Property Code of Maryland section 14-108 only applies when there is no fraud present.

The Petitioners have filed and recorded a Lis Pendens

against this real property to prevent any "innocent" buyer from becoming involved in the deception, lies, misrepresentations, false affidavits filed by the Respondents and the property is not free and clear from all encumbrances.

The Turks are husband and wife, who have continually and with malice perpetrated fraud against the Williamses. The Turks have lied to the Court in their filings[1]. The Turks are

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[1] The Appellees, Sherwin Turk and Rashel Turk, hereinafter the "Turks", and their counsel have in their numerous responses to the court in the past have challenged various wordage in an attempt to make the Williamses look bad and take the focus away from the real issues of declaring the foreclosure of the Williamses primary residence "NULL AND VOID" and returning the primary residence back to the Appellants due to defective documents, the Williamses did not sign the Lift Stay Order, had no knowledge of the existence of a Lift Stay Order until approximately 5 days before the foreclosure and did not give any authorization or authority to anyone to sign for them, the Turks are not 'holders in due course", including perjured testimony by the Turks and others, and deliberately withholding essential information from the court by the Turks in the interest of personal gain, as well as proceeding with a foreclosure that is absolutely forbidden by the Supreme Court while under the protection of the bankruptcy court as held in "Timbers

known foreclosers and acted as "Strawpeople" in this foreclosure - attached here is a copy of at least one foreclosure **(E-C)** that the Turks participated in for profit around the same time as the foreclosure on the Williamses property and the Turks did not reveal this information to the court which was crucial to the court's decision on possession when the Turks perjured themselves under oath (supported by recorded testimony) and filed false affidavits that they (the Turks) had no where to go **(E-D)** when, in fact, they had foreclosed on another property **(E-C)** in Potomac proven by the legal document of foreclosure sale signed by Turks. The Turks did not perform under the requirements of the foreclosure sale and did not move into the Williamses home for a year and the Turks did not obtain a mortgage for over a year. The real estate taxes continued to be paid under the Williams name for over a year.

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of Inwood" due to the substantial equity the Appellants have in their primary residence and as set down by the Federal Bankruptcy Laws as passed by Congress.

The Williamses are husband and wife, who have been the victims of this fraud by the Turks against the Petitioners.

The Turks **are not** fee simple owners of certain real property known as 12517 Stable House Ct., Potomac, Maryland (hereinafter the "Property") and the Turks are not "holders in due course" of this property. The Turks knew about the filing of the bankruptcy proceeding and that this property was the Petitioners' primary residence of almost 20 years and that the property was part of the bankruptcy proceeding[2] **(E-E)**. This knowledge about the bankruptcy

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[2] The Turks had express knowledge of the Willliamses bankruptcy before the foreclosure sale. Before the foreclosure sale, the Turks came to the Williamses primary residence under the guise of Rashel Turk being a Real Estate Agent. At that time, the Turks stated that they knew all about the Williamses bankruptcy, the difficulty the Williamses were having with Kanstoroom (Kanstoroom filed initial foreclosure proceedings and filed a false report to the Court Auditor in the foreclosure) and the Turks stated that "they (the Turks) could not do anything without explicit instructions from Kanstoroom". Information was obtained under subpoena from Vanguard Real Estate (copy attached) which shows that Rashel Turk was a real estate

proceeding prevents the Turks from being "holders in due course" and as such, the turks became involved in a transaction where the Court must return this property back to the Williamses as a result of the fraud, inequities, deceptions and misrepresentations to this Honorable Court. Sherwin Turk and his wife, Rashel Turk, who acted as "Strawpeople" in this foreclosure committed perjury under oath.

The Bankruptcy Court was ABSOLUTELY PRECLUDED from granting a lift stay and subsequent foreclosure due to the fact that the Williamses property at 12517 Stable House Ct., Potomac, Maryland, had equity of

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agent for the purpose of obtaining information on distressed properties. Rashel Turk never answered phones in the office of Vanguard, and never had participated in any office coverage of floor time nor office participation of any kind. The activities of Vanguard was not that of a normal office environment for a real estate office where agents are required to cover office floor time and phone coverage, keep phone logs and sit on open houses, etc. Sherwin Turk later stated that he had an agreement with Kanstoroom and could not back out of the agreement to take the Appellants' primary residence for profit.

approximately $150,000. The Williamses **did not** sign this consent order **(E-F)** and had no knowledge of this consent order until a week before the foreclosure. During the few days after learning of the impending foreclosure and prior to the foreclosure, the Petitioners sought the help of Attorney Mark Goldstein for the purpose of filing a Motion to Rescind Lifting of the Stay. Mark Goldstein was unsuccessful in this regard and the Motion was prepared but **never filed (E-G)** so there was nothing to appeal regarding this motion. The Williamses did not give anyone any authority or authorization to sign a consent order. The consent order, itself, has many defects, copy attached **(E-F)**.

Defending one's rights under the law especially a family's right to defend the substantial equity in their primary residence and their ownership of their primary residence should not be subject to attack. The Law provides that when a property owner strongly objects to the foreclosure and provides **proof** of wrongdoing by the foreclosing party, then the Court

must side with the property owner to preserve the Petitioners' primary residence and preserve equity for the Petitioners who are senior citizens. Due to the misrepresentation of the facts by attorneys (Officers of the Court) the Petitioners have been denied litigation in the past. There comes a time when a Petitioner (the Williamses) comes to the Court with Documented Evidence of misrepresentation of the facts that a Court **must take** action against those perpetrating the misrepresentations of facts.

A FORECLOSURE CANNOT REMAIN VALID BASED ON DEFECTIVE DOCUMENTS AND MISREPRESENTATIONS TO THE COURT. THE APPLICATION OF THE LAW WILL NOT ALLOW THIS.

NO LIFT STAY HEARING WAS EVER HELD IN ANY COURT MAKING ANY FORECLOSURE INVALID AND IMPROPER.

Amendment XIV to the United States Constitution provides:

> All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No **State** shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any **State** deprive any person of life, liberty, or **property**, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

11 U.S.C. 248 provides:

> That the Court **vacate or set aside ratified mortgage sales** for injurious mistake, misrepresentation or fraud. Bachrach v. Washington United Co-Op, 1943, 29A2d 822, 181 Md.

18 U.S.C. Sec 152 provides:

> That an attorney[3] who signs debtor's bankruptcy papers

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[3] **Attorney, Brian Seeber, without the knowledge or consent of the Appellants, signed the Consent Order, which has many defects in the document. There is no transcript existing that talks about a lift stay hearing. Brian Seeber abandoned the Appellants' Bankruptcy Case 30 days after being retained and thus terminated his representation of the Williamses and had no authority or authorization to sign a Consent Order six weeks after abandoning the Williamses Bankruptcy case.**

without the debtor's knowledge or consent can be criminally prosecuted both for perjury and for bankruptcy fraud. The Court is bound to uphold this ETHIC OF LAW.

Rule 11, Federal Rules of Civil Procedure provides:

That an attorney's signature on a filing submitted to a Court of Law constitutes a certification that certain responsibilities have been fulfilled. Those responsibilities have not been met as required by Law.

Maryland Rule 2-501 provides:

Where there is any issue of fact undisposed of and remaining to be determined by the trier of the facts upon the weight of the evidence then the case must be heard and evidence allowed.

The United States Supreme Court has consistently affirmed that:

"The right of every individual to claim the protection of the laws" - the right to Judicial review - is of the "very essence of civil liberty", Bowen v. Michigan Academy of Family Physicians, 476 U.S. 667, 670 (1986).

BASED ON ONE CLEAR FACTOR ALONE - WE HAD A PLAN APPROVED UNDER A CHAPTER 13 BY THE BANKRUPTCY COURT (E-B) AND WE WERE MAKING PAYMENTS TO A TRUSTEE UNDER THIS PLAN AND WE HAVE SIGNIFICANT EQUITY IN OUR

HOME OF 20 YEARS. This factor alone would demand that the court return our home to us at 12517 Stable House Ct., Potomac, Maryland. The bankruptcy Laws as passed by Congress were specifically designed to allow debtors to rebuild and keep their property. The case, Timbers of Inwood, heard by the Supreme Court, has set a precedent that when there is equity in property, the **Bankruptcy Court CANNOT grant a lift stay**. The owners in Timbers of Inwood had only about $30,000 equity against a multi-million dollar loan and the Supreme Court held that this equity was sufficient and the bank could not foreclose.

The Williamses filed an Objection to Ratification of Sale on 10/23/87. There was no hearing held.

On November 4, 1987, Judge Mitchell, signed an Order vacating Final Order of Ratification dated October 26, 1987, copy attached. Note that was attached to order signed by Judge McKenna, is also submitted here.

An Objection to Auditors Report was filed on September 13, 1988, with no response from the Court and no hearing held. The Auditor's report was received by the Williamses on September 12, 1988.

Proper balances and information was falsified to the Court Auditor and as such the Auditor's Report is incorrect and invalid.

Fraud does not have to be proven - only a clear intent of fraud must be presented to the court and this, without a doubt, fulfills that intent.

The Court cannot pick and choose. If the Law has been misapplied, and it has been misapplied in our case, creating a horrendous Miscarriage of Justice, then the Court has a duty and an obligation to take the proper steps to correct this Miscarriage of Justice and return the property to the Williamses, the Petitioners.

This Court has a responsibility to each citizen to assure that each citizen's legal rights are upheld and when those rights

clearly are not upheld then it is the duty of this Court to take action against those who are clearly obstructing Justice.

The Turks have clearly been involved in the Obstruction of Justice and Fraud against the Williamses, the Petitioners. Sherwin Turk has used his unique position as an attorney to influence and mislead the Court for his own benefit.

A Trial by Jury was granted in open Court by Judge William Turner regarding the Lis Pendens and then Judge Turner reversed his decision at a later date after ex-parte communication with the Respondents.

A LITIGANT IS ENTITLED TO A TRIAL BY JURY WHEN THE FACTS ARE IN DISPUTE.

Summary judgment cannot be granted if there is any dispute as to a material fact. Teller v. Canton Railroad, 212 Md. 423. A disputed fact is material if its resolution affects the outcome of the case. Lynx, Inc. v. Ordinance Products, 273 Md. 1974. The key questions of material facts in this is whether the home of the Petitioners was fraudulently

foreclosed, whether the Consent Order is defective and, therefore, null and void, whether the Court Auditor's Report was falsified and the Petitioners were never given adequate credit, the consideration of perjured testimony, the fact that the Respondents are strawpeople and are not "holders in due course" are among the issues.

Fraud, includes the knowing and willful making of a false statement or false representation of material fact when intended for purpose of having another rely upon that false statement. Greco v. State.

As stated in Davis v. Calvert, et al, 5 G & J 269 at 303-04, fraud vitiates everything with which it is connected. But being usually wrapped up in mystery, if well concerted, it is generally by circumstances only, by inductions of particulars, some of them apparently trivial, that it can be brought to light and defeated. And in a question of fraud, any fact, no matter how slight, bearing at all on the point at issue, and not wholly irrelevant, may be admitted. The court held at

305, no competent means of ascertaining the truth ought to be rejected. These principles were succinctly restated in Waters v. Dashiell, 1 Md. 455, 474 (1852). In questions of fraud, any fact, however slight, if at all relevant to the issue, will be admitted in evidence. The same principles were also stated in Curtis v. Moore, 20 Md. 93 (1963); Price v. Gover, 40 Md 102 (1874) and Smith v. Davis, 40 Md. 470 (1878). Even the substantive parol evidence rule does not bar such evidence when the issue is whether a written instrument was induced by false or fraudulent statements or promises. Schmidt v. Millhauser, 212 Md. 585, 594, 130, 572 (1957); Rinaudo v. Bloom, 209 Md. 1, 9, 120, 184 (1956); Lambert v. Smith, 235 Md. 284, 201, 491 (1964).

The Petitioners contend that the evidence does show fraud, misrepresentation and collusion. It is the Petitioners' contention that the issues are fact questions to be determined by a jury and not unilaterally by Judge Turner.

IRREGULARITIES IN THE UNREPORTED PER CURIAM REPORT ISSUED BY THE COURT OF SPECIAL APPEALS OF MARYLAND DATED JUNE 6, 1997

The Court erred when it stated that "appellants fell behind in their payments to the May 1985 lender. The true fact is that the creditor's principal was repaid almost in full less $10,000 in one year instead of two years as the loan was written to be repaid in two years. The loan was a $40,000 loan to be repaid in two years with interest only to be paid each month. In fact, the creditor terrorized the Petitioners with monthly letters threatening foreclosure because the payment was not on his desk at a certain time on a particular day. The interest payment was never late but would reach the creditor within the allotted grace period. The Court is compelled to review such bizarre behavior of a creditor that would terrorize a debtor. When the Petitioner paid the principal of approximately $30,000 on a total loan of $40,000, the

individual creditor **verbally** reduced the interest payments because the balance was now $10,000 instead of $40,000. The creditor refused to redo the loan papers showing the principal payment or showing a new balance of $10,000.

It is a fact that the creditor using underhanded methods purchased another note at a discount signed by the Petitioners from Standard Federal and **in one month's time** when the Petitioners refinanced, the creditor profited and pocketed $25,000.00, when the Petitioners paid the full price of the note and was given no credit for this discount. The creditor never released the note marked "paid in full" to the Petitioners who paid off this note the creditor purchased at full face value. Standard Federal should have been held responsible by the Banking Regulators for selling a note at a discount one month before it was financed. If the Petitioners had known about this discount, the Petitioners loan for $40,000 from the individual creditor would have, also, been "paid in full" and the Petitioners would have never had to suffer so immensely at the

hands of the perpetrator who was the creditor.

It is important to note that the creditor is a seasoned licensed attorney who deliberately and maliciously set out to defraud the Petitioners of their life savings, their equity.

The Court erred when it stated that the petitioners and lenders entered in a Consent Order Modifying stay of proceedings. The Petitioners had no knowledge of this July 15, 1987, document. In fact, Brian Seeber, our attorney in the bankruptcy proceeding, who signed this document disappeared from the case more than 6 weeks before and we had not contact with him and never talked with him after June 1, 1987. He had no authority to sign this document. In the transcript of the hearing that took place on June 2, 1987, there is no mention of a lift stay anywhere in the transcript. There was no Consent Order to default from, the Court erred again.

THE ENTIRE PER CURIAM REPORT IS ERRONEOUS.

From the length of the per curiam report is clear that Judges Harrell, Thieme, Bloom, and Theodore G. (retired, specially assigned), deliberately have set out NOT TO FIND THE FACTS AND UPHOLD JUSTICE BUT TO UPHOLD FRAUD. It is further appalling that a retired Judge would not have the decency and dedication of his work to uphold Justice but to side with those who have defrauded the Petitioners.

Is the United States Supreme Court going to follow suit and support Fraud or support Justice?

The Petitioners' Petition for Writ of Certiorari is compelled to be granted and heard based on all the facts and all that is presented here as evidence to the United States Supreme Court. It is the responsibility of the Supreme Court to uphold the Constitution, The Law and Justice to all.

CONCLUSION

The Appellants are senior citizens and the Williams' primary residence represents their entire life's work. The Petitioners took the proper path through the Bankruptcy Court to preserve their home and their equity. Clearly, the Petitioners' Rights Under the Law have been violated and there must be a viable remedy to this Miscarriage of Justice.

The Turks have manipulated this Court and other Courts by their (the Turks) lies, fraud, and misrepresentations for the sake of their greed. The Turks are again before the Court with misrepresentations and lies asking this Court to absolve them and allow them (the Turks) to dispose of the Petitioners' (the Williams') property for their (the Turks) profit.

WHEREFORE, the Petitioners request: that this Honorable Court enter an Order allowing the "Lis Pendens" to remain in effect; and

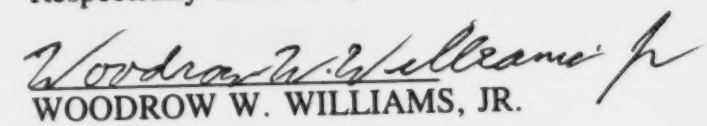
That based on all that has been presented here to this Honorable Court, a decree be issued that the Turks are not absolute owners and have no right of disposition of the Property; and

That this Honorable Court **return the Property** to the Petitioners, Geraldine and Woodrow Williams, based on defective documents, no Lift Stay Hearing being held (a foreclosure **cannot** take place without a lift stay hearing), that the Petitioners had no knowledge of the Consent Order and did not sign the Consent Order, that the Petitioners were in an approved Chapter 13 under Bankruptcy protection, that the Petitioners had (have) sufficient equity in their primary residence, and that the Respondents fell into non-compliance with the foreclosure Sale requirements; and

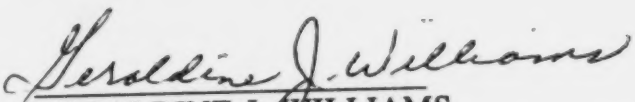
That this Honorable Court will be instrumental in ending the nightmare and denial of the Petitioners' Legal Rights under the Law who are now Senior Citizens; and

That this Honorable Court enter an Order awarding Petitioners' costs, and such other and further relief as this Court may deem appropriate.

Respectfully submitted,



WOODROW W. WILLIAMS, JR.
pro se



GERALDINE J. WILLIAMS
pro se

DATED: February 6, 1998

IN THE
SUPREME COURT OF THE UNITED STATES

WOODROW W. WILLIAMS, JR., et ux.

Petitioners

vs. **October Term, 1997**
No.

SHERWIN E. TURK, et ux.

Respondents

AFFIDAVIT

We, WOODROW W. WILLIAMS, AND GERALDINE J. WILLIAMS, HEREBY AFFIRM AND SAY:

1. That we are over eighteen (18) years of age and competent to testify to the matters set forth, herein, and that such matters are within our personal knowledge.

2. That the matters set forth, herein, as stated by the Petitioners, are true and correct.

3. That we have been denied our Rights Under Law as intended by Congress while under the protection of the Bankruptcy Code.

3. That there was no lift stay hearing held prior to the foreclosure.

4. That the Petitioners did not sign any Lift Stay Order.

5. That no one was authorized or had any authorization to sign a consent order in the Petitioners' behalf.

6. That the Respondents are not fee simple owners or "holders in due course".

7. That Sherwin Turk as an attorney used his knowledge to commit fraud against the Petitioners for the purpose of extorting the equity the Williamses have in their home at 12517 Stable House Court, Potomac, Maryland.

8. That the Williamses had filed for bankruptcy and were making payments under a chapter 13 and the property was part of the bankruptcy proceeding.

9. That the Turks had knowledge of this bankruptcy and the encumbrances surrounding this property which prevent the Turks from being fee simple owners or "holders in due course".

10. That a foreclosure was precluded from taking place based on the $150,000 of equity the Williamses have in their home while under the protection of the Bankruptcy Code and set down by the Supreme Court in the case "Timbers of Inwood".

11. The Petitioners filed an Objection to the Ratification of the Sale on 10/23/87.

12. On November 4, 1987, Judge Mitchell, signed an Order vacating Final Order of Ratification of October 26, 1987.

13. Proper balances and information was falsified

to the Court Auditor and as such the Auditor's Report is incorrect and invalid.

WE DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY AND UPON PERSONAL KNOWLEDGE THAT THE FACTS SET FORTH HEREIN ARE TRUE AND ACCURATE.

Woodrow W. Williams Jr

WOODROW W. WILLIAMS, JR.

Geraldine J. Williams

GERALDINE J. WILLIAMS

DATED: February 6, 1998

EXHIBITS

In the Court of Appeals of Maryland

WOODROW W. WILLIAMS, JR. et ux.

v. Petition Docket No. 234, September Term, 1997

SHERWIN E. TURK et ux. No. 918, Sept. Term 1996, Court of Special Appeals

O R D E R

Upon consideration of the motion for reconsideration, in the above entitled case, it is this 13th day of November, 1997,

Ordered, by the Court of Appeals of Maryland, that the motion be, and it is hereby, denied.

/S/ Robert M. Bell
Chief Judge

EA

UNREPORTED

IN THE COURT OF
SPECIAL APPEALS
OF MARYLAND

NO. 918

September Term, 1996

WOODROW W. WILLIAMS, et ux.

v.

SHERWIN E. TURK, et ux.

Harrell,
Thieme,
Bloom, Theodore G. (retired, specially assigned)

Per Curiam

Filed: June 6, 1997

E A

Appellants, Woodrow W. Williams, Jr. and Geraldine Williams, appearing *pro se*, appeal an order of the Circuit Court for Montgomery County concerning rights to certain-real property. That order also enjoined appellants from asserting any additional claim against that property. We shall affirm.

FACTUAL BACKGROUND

The facts relevant to our disposition of this case are obscured by the overgrown thicket of litigation generated by appellants over the past decade. We mention here only those facts deemed essential for our analysis or contextually supportive.~

Appellants once owned real property known as 12517 South Stable House Court in Montgomery County, Maryland (the "residence"). In May of 1985, appellants received a loan secured by the residence. Prior to consummating that loan, the residence had also been used to secure another debt. Appellants fell behind in their payments to the May 1985 lender. That creditor, through its trustees, instituted foreclosure proceedings in the Circuit Court for Montgomery County.

In an effort to stop that foreclosure sale, appellants filed a Chapter 13 petition in the Untied States Bankruptcy Court for the District of Maryland. On 15 July 1987, appellants and both lenders entered into a Consent Order Modifying Stay of Proceedings." That

Additional factual background may be derived from review of our prior opinions regarding the property that is the subject of the present dispute. See *Williams v. Kanstoroom*, No. 1155, September Term, 1989 (per *curiam* filed 27 March 1990); *Williams v. Kanstoroom*, No. 1178, September Term, 1989 (per *curiam* filed 27 March 1990).

Order permitted the lenders to institute foreclosure proceedings immediately unless appellants complied with certain terms. The Consent Order was approved by the United States Bankruptcy Judge on 15 July 1987 after a hearing.

Appellants defaulted under the terms of the Consent Order,

causing the trustees to proceed with the foreclosure sale. Appellees acquired the residence pursuant to that sale on 26 August 1987 and thereby "bought into" a decade of litigation. On 23 October 1987, appellants filed an objection to the foreclosure sale alleging, inter alia, that their attorney in the bankruptcy matter lacked the authority to sign the Consent Order. On 5 November 1987, the -Circuit Court for Montgomery County entered an order ratifying the sale. That order stated, in part:

The Court upon consideration of the Objection to Ratification of Sale filed by Woodrow W. Williams and Geraldine Williams and Opposition thereto having been filed by the Trustees, it is by the Circuit Court for Montgomery County, Maryland, this 5[th] day of November, 1987, Ordered that the

Objections to the Ratification of Sale . . . be and the same are hereby denied, and it is further Ordered, this 5[th] day of November, 1987 by the Circuit Court for Montgomery County, Maryland, that the sale made and reported in the aboveentitled cause be and the same is hereby ratified and confirmed, no sufficient cause to the contrary having been shown . . . .

Appellees thereafter received a Substitute Trustee's Deed for the residence dated 7 December 1987.

Appellants did not appeal that ratification order. Subsequent

to a 19 January 1988 hearing, the circuit court entered an order awarding possession of the residence to appellees. The court

Order permitted the lenders to institute foreclosure proceedings immediately unless appellants complied with certain terms. The Consent Order was approved by the United States Bankruptcy Judge on 15 July 1987 after a hearing.

Appellants defaulted under the terms of the Consent Order,

causing the trustees to proceed with the foreclosure sale. Appellees acquired the residence pursuant to that sale on 26 August 1987 and thereby "bought into" a decade of litigation. On 23 October 1987, appellants filed an objection to the foreclosure sale alleging, inter alia, that their attorney in

BEST AVAILABLE COPY

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to a 19 January 1988 hearing, the circuit court entered an order awarding possession of the residence to appellees. The court ordered, in part:

Upon consideration of the Motion by [the Turks], filed herein and no reason having been given by the Williamses that would be a legal basis to

deny possession to the [Turks], it is this 19th day of January, 1988, by the Circuit Court for Montgomery County, Maryland, ordered, that a Judgment of Possession of the property known as 12517 South Stable House Court, Potomac, Maryland 28854, in Montgomery County, Maryland . . . is granted to [the Turks].

Appellants failed to appeal the order awarding possession.

Instead of filing appeals from the circuit court's foreclosure order, appellants filed two new actions against appellees in the circuit court, challenginq the foreclosure sale.2 Appellants perched these actions upon allegations that their attorney did not have authority to sign the Consent Order, fraud, illegality, legal malpractice, civil conspiracy, and defamation. Appellants sought voidance of the foreclosure sale and S50, 000, 000 (fifty million dollars) in damages. The trial judge in those actions, responding to various motions to dismiss, opined that the issues raised should have been advanced during the foreclosure proceedings or the bankruptcy proceedings. The trial judge dismissed the actions with prejudice because the claims advanced therein were barred by the doctrine of res judicata. This Court affirmed that trial judge. Subsequent petitions for Writs of Certiorari were denied by the Court of Appeals of Maryland and the United States Supreme Court.

[2] **Appellants also named as parties any lawyer even** remotely affiliated with the litigation or the conveyance of the residence.

Undaunted, on 25 August 1989, appellants filed yet another action challenging the foreclosure in the form of an adversary proceeding in the United States Bankruptcy Court, naming appellees as defendants. Again appellants claimed that they did not consent to the bankruptcy Consent Order and alleged fraud. The dismissal of their adversary complaint on 30 May 1990 was accompanied by a lengthy opinion. Appellants unsuccessfully appealed that dismissal to the United State District Court for the District of Maryland and the United States Court of Appeals for the Fourth Circuit.

On or about 27 November 1992, appellants caused to be filed, in the land records of Montgomery County, Maryland, a document styled *"Lis Pendens3. "* That document read, in pertinent part,:

Notice is hereby given to anyone interested in real property located at 12517 S. Stable House Court . . . [s]aid real property is currently involved in court cases pending in Richmond, Virginia, with appeal planned to the United States Supreme Court in the near future. Clear title CANNOT be given on said real property.

"Emphasis in original). Appellants, true to form and congruent with the *Lis Pendens* document, descended upon the United States

Supreme Court. Not surprisingly, their third petition for a writ of certiorari was denied on 22 February 1993. Based upon that denial, and the resulting termination of all then pending litigation regarding the residence, counsel for appellees requested

3 The apparent purpose of the *Lis Pendens* document was to notify prospective purchasers, and others with interests in the residence, that the residence was the subject of litigation. Although a notice of *lis pendens is* simply a notice regarding pending litigation, the effect of such is a severe restraint upon the alienability of the subject property. See Black's Law Dictionary, 6th Ed., at 9

4 that appellants execute a written release of the *Lis Pendens* document. Appellants refused to execute a release, claiming continuance of their endeavor to regain possession of the residence. That averment was made despite the lack of litigation then pending between the parties.

Appellees' suit to quiet title, giving rise to the instant appeal, followed. The Turks filed their Complaint to Quiet Title and Motion for Summary Judgment in the Circuit Court for Montgomery County on 14 September 1995. Despite appellants' attempts to evade service, they were ultimately served with process in this action. The Complaint to Quiet Title alleged that appellees were the fee simple owners of the residence, that a cloud on

their title had been created by appellants, actions, that all litigation concerning the residence had been settled in favor of appellees, and that appellants had refused to execute a release of the ris *Pendens* document. Appellees sought relief in the form of a declaration that the *Lis Pendens* document was void and of no effect, that appellees were the absolute owners of the residence, and that appellants be enjoined from asserting any future claims against the residence. Appellees' Motion for Summary Judgment was supported by appellee Sherwin Turk's affidavit and other documentation.

On 12 October 1995, appellants filed a counterclaim' and Motion for Summary Judgment. Mostly, the counterclaim requested that the relief sought in appellees' Complaint to Quiet Title be

~ Appellants incorrectly entitled their counterclaim "CrossComplaint to Quiet Title". We shall refer to such, throughout this opinion, as appellants' counterclaim.

denied. In that regard, the counterclaim served merely as an answer to the Complaint or response to appellees' Motion for Summary Judgment. See *East v. Gilchr~st, 293* Md. 453 (1982) (deciding that the label 'tcounterclaim'' does not transform what is an answer into a claim against the opposing party). Furthermore, the counterclaim requested that appellants be declared the sole fee simple owners of the residence. Appellants demanded, based upon allegations of fraud

and impropriety in the foreclosure and bankruptcy proceedings, that the trial judge effectively void the judgments in those proceedings. The counterclaim did not allege a fresh basis, other than fraud or impropriety underlying existing judgments, for awarding possession of the residence to appellants. Instead, the language of the counterclaim referred to the validity of prior judgments. Essentially, appellants' counterclaim collaterally attacked those prior judgments. It did not bring, therefore, a new claim for relief.

Appellees responded to the counterclaim with a Motion for Summary Judgment and/or Motion to Dismiss the counterclaim on 13 November 1995. After several written responses and replies, the court conducted a 2 January 1996 hearing. The court disposed of the various motions after oral argument. The trial judge decided the motions as follows:

1) Appellants' Motion for Summary Judgment on the counterclaim was denied;

2) Appellees' Motion for Dismissal of the counterclaim was granted;

3) Appellees' Motion for Summary Judgment on the Complaint to Quiet Title was denied.

On 18 January 1996, appellees filed a Motion for Reconsideration of the denial of their S~mmary Judgment Motion regarding the

original Complaint to Quiet Title. After a bevy of motions, and a 17 April 1996 hearing, the circuit court entered summary judgment in favor of appellees. Coincident with the summary judgment, the court ordered appellants enjoined from asserting future claims to the residence and declared appellees the owners of the residence. It is from these judgments and orders that the instant appeal stems [5]

Notwithstanding the circuit court's judgment enjoining appellants from asserting any claim against the residence, appellants have continued to seed the clouds shrouding appellees' title to the residence. On 8 May 1996, appellants caused to be filed in the land records of Montgomery County, Maryland copies of the Notice of Appeal to this Court and their Motion to Stay.

Preliminarily we are required to address exactly what appellants are attempting to appeal. We discern, after negotiating appellants' brief, that they propose, at least inferentially, that we consider the five restructured questions shown below. [6]

[5]Appellants' notice of appeal purports to appeal only the written order of 18 April 1996. Nevertheless, we shall consider all dispositive orders issued by the trial judge, including those docketed on 2 January 1996.

[6] We note that appellants do not mount any argument regarding that portion of the judge's order enjoining their future assertion of claims against the residence. Therefore, that portion of the order shall remain unreviewed and unchanged by this Court in any

I. Did the trial judge erroneously declare the *Lis Pendens* document void and of no force and effect in his grant of summary judgment in favor of appellees on the Complaint to Quiet

II. Did the trial court erroneously dismiss appellants' counterclaim because it mounts a collateral attack upon prior judgments?

III. Did the trial court erroneously dismiss appellants' counterclaim to quiet title?

IV. Did the trial court erroneously declare appellees' the sole owners of the residence in its grant of summary judgment in favor of appellees on the Complaint to Quiet Title?

V. Did the trial court err by denying appellants' Motion for Summary Judgement on their counterclaim?

ANALYSIS

Standard of Review

The trial judge, in the instant case, granted summary judgment in favor of appellees on their Complaint to Quiet Title. "Summary judgement is proper when there is no dispute as to any material fact and . . . the moving party is entitled to judgment as a matter of law. n Md. Rule 2-501. We note that, when reviewing a trial court's grant of summary judgment, we must determine whether the trial court was "legally correct." *E.g., Baltimore Gas & Elec. Co. v. Lane,* 338 Md. 34, 42-43 (1995); *Beatty v. Trailmaster Prods., Inc.,* 330 Md. 726, 737 (1993); *Heat & Powor Corp. v. Air Prods. & Chems., Inc.,* 320 Md. 584, 590-92 (1990). Appellees were entitled to summary judgment if they could show, through affidavit, event.

8 deposition testimony, or otherwise, that there were no genuine disputes concerning material facts and that they were entitled to judgment as a matter of law. Additionally, all reasonable inferences from those facts must be drawn in favor of the nonmoving party, i.e., the Williamses. E.g., King v. Bankerd, 303 Md. 98, 111 (1985); Peck v. *Baltimore County, 286* Md. *368,* 381 (1979); *Maloney v.* Carling *Nat'1 Brewories,* 52 Md. App. 556, 561-62 (1982); *Robertson v. Shell Oil Co.,* 34 Md. App. 399, 403 (1977).

There is a difference in our standard of review of summary judgments and

dismissals. We perceive, from our review of the record, that appellants' counterclaim was dismissed and summary judgment on the counterclaim was not granted in favor of appellees. Dismissal is proper only if the facts alleged fail to state a cause of action. See, e.g., *Davis v. DiPino*, 337 Md. 642, 647-49 (1995). We shall review the various summary judgments and dismissals, in the instant case, with an eye fixed upon these standards.

I.

Clearly, the crux of appellees' Complaint to Quiet Title was voidance of the *Lis Pendens* document. The trial judge, pursuant to a summary judgment, declared the *Lis Pendens* document void and of no effect. We shall affirm that declaration. At the time the document was filed, the only litigation pending regarding the residence was a Petition for Certiorari to the United States Supreme Court. Once that petition was denied, no additional litigation was pending between the parties.

The doctrine of *lis pendens is* well established in Maryland. *See, e.g., DeShields v. Broadwater*, 338 Md. 422, 432 (1995); *Corey* v. Carback, 201 Md. 389, 403-04 (1953);

Warfel v. Brady, 95 Md. App. 1, 7, *cert. denied*, 331 Md. 88, *cert. denied*, 114 S. Ct. 470 (1993). Under that doctrine, an interest in property, acquired when litigation affecting title to that property is pending, is taken subject to that litigation. Essentially, the doctrine renders the rights of the parties to any conveyance of the property potentially subservient to the rights of a party to the litigation. *See DeShields*, 338 Md. at 433-34; *Applegarth v. Russell*, 25 Md. 317, 320 (1866); *Inloes' Lessee v. Harvey*, 11 Md. 519, 524-25 (1857).

A "*lis pendens is* a general notice of an equity to all the world." It is not necessarily notice of an actual lien. *Applegarth*, 2S Md. App. at 323, *~uoted in*, *DeShields*, 338 Md. at 435. The filing of a document, such as the *Lis Pendens* recorded by appellants, constructively notifies subsequent parties to a conveyance of the potential effects the litigation may have on their interests. As a result, the filing of appellants' *Lis Pendens* document did not technically prevent alienation, but did place a cloud on appellees' title. It was this cloud that appellees' sought to disperse with their Complaint to Quiet Title. Specifically, they sought to have the ris *pendens* document declared void.

The trial judge did not err in his declaration that the [is *Pendens* document "is void and of nc force and effect." Clearly all

of the litigation that had commenced before the filing of the *Lis Pendens* document had terminated at the time the present litigation began. Because we and title searchers, unlike theoretical physicists and these appellants, perceive that time is unidirectional, the *L's* Pendens document could only serve as constructive notice of litigation preceding it. The instant case commenced after the *Lis* Pendens document was filed. We easily conclude that no litigation, commenced before the filing of the *Lis Pendens* document, remained ongoing at the time of the judge's order. In fact, the *Lis* Pendens document, at the moment the United States Supreme Court denied appellants' last Petition for Writ of Certiorari, had no force and effect. Appellants arguments cannot eclipse the plain truth that the [is Pendens document had no force and effect, with or without the trial judge~s order. His confirmation of that fact, embodied in an order, was not erroneous.

II.

The trial judge dismissed appellants' counterclaim. Although not provided in the record extract, we conducted a successful search of the record for the counterclaim. It appears that the counterclaim provided, in closely mirrored verbiage, the bulk of the text of appellants' initial brief in this appeal. We found it to be similarly vague, disjointed, and infected with irrelevancies. Despite the condition of that pleading, we perceive that appellants'

counterclaim sought to collaterally attack prior judgments declaring appellees the sole owner~ of the residence and

clear the cloud shrouding appellants' alleged title to the residence. Because appellants failed to state a claim in either regard, we shall affirm the dismissal of their counterclaim.

We perceive that appellants sought to collaterally attack final judgments regarding ownership of the residence, instead of bringing a new action for possession pursuant to Md. Real Prop. Code Ann. S 14-108.1. We base this interpretation upon the following excerpts from the text of appellants' counterclaim:

3. The Turks . . . did not reveal [significant] information to the court which was crucial to the court's decision on cossession when the Turk's perjured themselves under oath . . . and filed false affidavits . . . . The Turks did not perform under the requirements of the foreclosure sale and did not move into the . . . home for a year . . .

5. The Turks . . . knew about the filing of the bankruptcy proceedings and . . . that the property was part of the bankruptcy proceeding. This knowledge prevents the Turks from being "holders in due course" and as such, the Turks became involved in a

transaction (sic) that the court could and should return this property to the Williamses as a result of fraud, inequities, deceptions, and misrepresentations to this . . . court . . . . A foreclosure cannot remain valid based on defective documents. No lift stay hearing was ever held in any court making the foreclosure invalid and improper. -

(emphasis added) (gratuitous capitalization omitted). Following the excerpted portions detailed herein, appellants asserted a myriad of sources of fraud and irregularity allegedly affecting the judgments of the circuit court and the bankruptcy court in prior proceedings.

The tone of appellants' counterclaim, therefore, sounds in the language of an attempt to void judgments previously entered and not a new suit7 for possession of the residence. Accordingly, we shall treat their counterclaim as an attempt to collaterally attack judgments entered in prior cases.

Turning to appellants' purported attack on the United States Bankruptcy Court's judgment, we begin by noting the obvious. Neither this Court, nor any court of this State, may pretend to possess revisory power or control over the judgment of a federal bankruptcy court. That leaves only the several judgments of the courts of this State, issued in prior cases concerning this residence, that might be collaterally attacked or revised based upon appellants' assertions of fraud and irregularity.

Appellants opted for a collateral attack on the prior judgments. The doctrine of collateral attack is similar to, but significantly different from, the various doctrines of estoppel by judgment, i.e., *res judicata* and collateral estoppel. A collateral attack is

> an attempt to impeach a judgment . . . before a court other than the one in which it was rendered, in an action other than the one in which it was rendered; and in an attempt to avoid, defeat, or evade it, or deny its force and effect, in some incidental proceeding not

7 Our failure to address the merit. of such a suit should not be misinterpreted as authorization for such. Such a suit is now prohibited by that portion of the judgment in this case enjoining appellants' assertion of any claim to the residence. As noted previously, appellants did not quarrel here with that portion of the judgment. Therefore, appellants risk explaining their conduct at criminal and/or civil contempt hearings should they file a new action for possession.

> provided for by law for the express purpose of attacking it . . . .

Rlein v. Whitehead, 4b Md. App. 1, 20, *cert. denied,* 283 Md. 709, 734 (1978) (quoting 49 C.~.S. *Judgments, S* 408). The bar against collateral attacks was stated long ago as Freeman's "rule of inhibition," *see* Freeman on Judgments, 5th Ed., Vol. 1, S 305:

Judgments of a legally organized judicial tribunal, proceeding within the scope of its allotted powers, and possessing the requisite jurisdiction over the subject matter of the suit and the parties thereto, whether correct or erroneous, cannot be called into question by the parties or privies in any collateral action or proceeding.

Klein, 40 Md. App. at 20. Estoppel by judgment, on the other hand, is relevant "when a person seeks not to attack the existence or validity of a judgment or decree, but rather to question the effect of that judgment or decree upon him." *Rlein,* 40 Md. App. at 21.

Under certain circumstances, parties to prior litigation may bring subsequent claims. In *Rowland v. Harrison,* 320 Md. 223, 235 (1990), the Court of Appeals adopted the position of the Restatement (Second) of Judgments S 22 (1982) thereby acknowledging a distinction between permissive and compulsory counterclaims. The *Rowland* court allowed counterclaims subsequent to a judgment unless the counterclaim was compelled by statute or rule of court to be brought in the first action or "the relationship between the counterclaim and the plaintiff's claim is such that prosecution of the second action would null~fy the initial jud~gment or would imFair riahts established in the initial action. n *Rowland, supra.* (emphasis added); *see Fairtax Savings v. Kris Jen [td. Partnership,*

338 Md. 1, 11 (1995). This "permissive counterclaim" exception, set forth in *Rowland,* does not help appellants because they seek to nullify the initial judgment and impair the rights established therein.

Appellants' counterclaim, therefore, improperly assails prior judgments through a collateral proceeding. The prohibition against collateral attack prevents a challenge to the validity of a judgment rather than an attack on its scope or effect. Appellants, in the instant case, attempted to void prior judgments that declare that the Turks own the residence. They attack the validity of those judgments in this collateral proceeding. Such an attack is not permitted and was properly subject to the trial court's dismissal.

III.

The only portion of appellants' counterclaim surviving for our continued analysis is their purported attempt to quiet their alleged title to the residence. Appellees effortlessly eviscerate this aspect of the counterclaim. In an action to quiet title, a plaintiff must allege possession. *See Barnes v. Webster, 220* Md. 473, 475-76 (1959); Wathen v. *3rown,* 48 Md. App. 655, 657-59 (1981). In the instant case, appellants did not allege, nor could they allege, that they were in actual, or constructive, peaceable possession of the residence as required by Md. Real Prop. Code Ann. S 14-108(a). Without such a factual averment, appellants could not state a claim upon which an order quieting title could be granted.

Therefore, dismissal of appellants' counterclaim to quiet title was proper.

Appellees successfully garnered affirmation of their clear title vis-a-vis the court's grant of their Motion for Summary Judgment on the Complaint to Quiet Title. We review that order to determine whether any material facts remained in dispute and whether appellees were entitled to judgment, in that regard, as matter of law. All parties agree that the Turks purchased the residence at a foreclosure sale that was later, and with finality, ratified by the circuit court. Similarly, all contend that the Turks were delivered a deed to the residence and ultimately took possession, with the assistance of a sheriff, pursuant to a Judgment for Possession. Clearly, the Turks have been declared repeatedly, by this State's courts, to be the owners of the residence. As indicated above, those judgments have not been attacked properly by appellants. Furthermore, neither the order ratifying the foreclosure sale, nor the Judgment of Possession, was appealed.

An action to quiet title is proper by a plaintiff in actual or constructive, peaceable possession of property. A person holding legal title to, and who is in possession of, property is entitled to a decree quieting title to that property. *See* Md. Real Prop. Code Ann. S 14-108; *see also Wathen, supra.* Appellees hold legal title to the residence by virtue of the ratified, and final,

foreclosure sale and the recorded deed. Appellees were also in lawful, peaceable possession of the residence pursuant to a final judgment of possession.

The foundation for appellants' contention that appellees' title should not be guieted is their allegation of the existence of fraud and certain improprieties surrounding the foreclosure and bankruptcy proceedings. The only facts placed into dispute by appellants concern these frauds and irregularities. Essentially, appellants attempt to reinvigorate the same exhausted arguments asserted, and rebuffed, thrice by the courts of this State and Nation. The taint of fraud or irregularity in prior proceedings, however, is not material to the quiet title claim. The allegation of fraud and irregularity occurring at prior proceedings might be material to a direct motion to revise the prior judgments, but such was not before the judge in this case. The trial court was faced with <u>final</u> judgments deeming appellees to be the owners of the residence. As previously discussed, the existing judgments favorable to appellees could not be collaterally attacked in this proceeding. The judge similarly was confronted with undisputed facts regarding the delivery of the deed and possession of the residence. Under these circumstances, no material facts were in dispute and appellees were entitled to judgment quieting their title to the residence as a matter of law. Therefore, summary judgment in this regard was proper.

Appellants' motion for summary judgment on their counterclaim was denied. They now attempt to appeal that denial. We need not address the merits of that motion nor the propriety of its denial. A denial of summary judgment is not a final judgment and, therefore, is not generally appealable. See, e.g., *Porter Hayden Co. v. Commercial* Union *Ins. Co.*, 339 Md. 150, 164, 661 A.2d 691 (1995); *Merchants Mort~age Co. v. Lubow, 275* Md. 208, 212, 339 A.2d 664 (1975); *Ralkey v. Minnesota Mining & Mfg. Co.*, 63 Md. App. 515, 492 A.2d 1358 (1985). Ct. *Mandel v. O'Hara*, 320 Md. 103, 134, 576 A.2d 766 (1990) (allowing appeal from denial of summary judgment when motion was based on absolute immunity and came under collateral order doctrine).

We register our amazement at the litigious stamina appellants have exhibited in the decade following the foreclosure proceedings concerning their former residence. Some may sympathize with appellants' plight. We observe, however, that a remedy does not always exist for every "bad thing" that happens to "good people3." Appellants should not confuse our amazement with laudation. Appellants have again raised substantially the same issues that have been litigated, and rebuffed, thrice. Petitions for certiorari have been denied, judgments have been affirmed, yet appellants continue their ill-advi~ed campaign. What we are urging

~ We do not decide whether appellants are bad or good, only that they are wrong.

here is "enough." *See Marquardt v. Papentuse,* 92 Md. App. 683, *cert. denied,* 328 Md. 93 (1992). We extend to appellants one last "carrot" and trust that they spy the "stick." If appellants continue their ignoble crusade to cloud appellees' title to the residence, sanctions, among other things, may be available. we perceive that appellants, at least arguably, persist in this ~vexatious harassment of appellee~s] . . . [and have perpetrated] a pattern of contemptuous harassment of the judicial authorities of this State [and Country]," *Marguardt* v. *Papenfuse,* 92 Md. App. 683, 688, *cert. denied,* 328 Md. 93 (1992) (citing Marquardt v. *Walters,* No. 912, September Term 1990, (per curiam filed 25 April 1991), slip op. at 11, *cert. denied,* 323 Md. 186 (1991)). We remind appellees that Md. Rul. 1-341 sanctions are available at the trial and appellate levels. We also note that no time limit for a sanctions motion is contained in Md. Rule 1-341. Therefore, appellees may still file motions with this Court and the Circuit Court for Montgomery County for sanctions under Md. Rule 1-341, if such motions are deemed to be warranted. See *Litty v. Becker,* 104 Md. App. 370, *cert. denied,* 339 Md. 641 (1995). We, of course, proffer no opinion as to the success such motions might, or should, enjoy. Also, we can understand a tactical decision not to request something that might give appellants new life to continue litigation.

JUDGMENT OF THE CIRCUIT COURT
FOR MONTGOMERY COUNTY AFFIRMED;
COSTS TO BE PAID BY APPELLANTS.

BANKRUPTCY CASE RECORD
DOCKET SHEET

ORDER CONFIRMING CHAPTER 13 PLAN, entered.

Employer's Payment Order, entered.

Ch. 13 Confirmation Worksheet, filed by Trustee.

E B

LIBER 7198
FOLIO 591, 592, 593

THIS DEED, made this _____ day of _____, 1986, by and between James W. Clifford and John W. Debelius, III, Assignees of the Mortgage by Assignment recorded in Liber 6589 at folio 476, parties of the first part, and

Sherwin Turk and Rashel Turk, his wife, Tenants by the Entirety, parties of the second part

WHEREAS, at a public sale made April 11, 1986 at 11:00 a.m. by the said James R. Clifford and John W. Debelius, III, in pursuance of the specific power and authority vested in them by Mortgage dated November 15, 1980 from Frederick E. Barrett and Betty Anne Barrett, his wife, and recorded in Liber 5617 at folio 671, the Land Records of Montgomery County, Maryland, and assignment thereof for the purpose of foreclosure in Liber 6589 at folio 476, which sale was made after default had occurred under the terms of said Mortgage and after due notice of sale, and after bond had been duly filed in the Circuit Court for Montgomery County, Maryland, the parcel of land and premises hereinafter described, being the property by said mortgage conveyed, was sold unto SHERWIN E. TURK, said sale having been duly reported in and finally ratified on the 11th day of June, 1986, by the Circuit Court for Montgomery County, Maryland. In Civil Case no. 12227, the said James R. Clifford and John W. Debelius, III, are in Law authorized to execute a deed for the property to the purchaser, SHERWIN E. TURK AND RASHEL B. TURK, his wife.

NOW, THEREFORE, THIS DEED WITNESSETH: That the said James R. Clifford and John Debelius, III Assignees as aforesaid, in consideration of the premises and of the sum of Ten Dollars ($10.00) current money in hand paid, the receipt

EC

of which is hereby acknowledged, and in execution of the power and authority..... .....

COPY OF THIS DEED, FOR VIEWING, IS ATTACHED TO LETTER TO U.S. SUPREME COURT UPON SUBMISSION OF THE PETITION FOR WRIT OF CERTIORARI.

IN THE CIRCUIT COURT
FOR MONTGOMERY COUNTY
MARYLAND

Lawrence Levitan &
Janelle W. Gaughan

Plaintiffs

v. Civil No. 19391

Woodrow W. Williams &
Geraldine Williams

Defendants

TRIAL

Rockville, Maryland

January 19, 1988

 ED

(TESTIMONY AT TRIAL)

THE TURKS HAVE NO PLACE TO LIVE.

(THIS IS PERJURED TESTIMONY AT TRIAL UNDER OATH -- THE TURKS CONTINUED TO LIVE FOR ANOTHER YEAR AT THE SAME PLACE IN D.C. WHERE THEY HAD BEEN RESIDING AND DID NOT MOVE INTO THE PETITIONERS' HOME UNTIL A YEAR LATER FROM THIS TRIAL DATE WHICH FURTHER PROVES THAT THE TURKS ONLY WANTED THE PETITIONERS' PROPERTY FOR PROFIT AND THE RESPONDENTS WOULD GO TO ANY LENGTHS TO OBTAIN THIS PROPERTY AND ITS PROFIT AND DENY THE PETITIONERS, SENIOR CITIZENS, THEIR HARD EARNED EQUITY FOR THEIR RETIREMENT YEARS.)

(FURTHER, THE REAL ESTATE TAXES WERE PAID UNDER THE PETITIONER'S NAME FOR THAT ENTIRE YEAR.)

VANGUARD REAL ESTATE, INC.
One Democracy Plaza
6701 Democracy Blvd.
Bethesda, Maryland 20817

May 9, 1989

CIcuit Court for Montgomery County Maryland
Assignment Office
Montgomery County Judicial Center
5O Courthouse Squarc
Rockvi11e, MD 2085O

Re: Case #33511

The Honorable Chief Judge of the Sixth Judicial Circuit of Maryland:

Please find enclosed our response to the attached subpoena as requested by the plaintiffs Woodrow and Geraldine Williams.

1. Rachel Turk transferred her real estate license as a real estate agent to Vanguard Realty in March of 1987.

2. The following is a breakdown of those transactions with which Rachel Turk was associated as an agent with Vanguard Realty.

a) 2939 Van Ness Street, N.W. Unit #1227.

EE

Sales Price: S97.000
Seller Burt Fischer
Purchaser Balsam Barsch
Settlement Attorney Stewart Metro Title Corporation
Turk's Commission: $1,540
Settlement Date: 5/2/88

b) 3001 Veezey Terrace, N.W., Unit 10Q8

Sales Prsce S72,SOO
Seller Moses Ginsburg
Purchaser: Holly Lehrhoff ant Norma Altman
Settlement Attorney Edmont Flynn Company
Turk's Commission: $l,522.5O
Settlement Date: 10/9/87

c) 3001 Veazey Terrace, N.W., Unit #1425

Sales Price $164,000
Seller: James Jeffers
Purchaser: Sita Ramaswami
Settlement Attorney: Edmond Flynn Co
Turk's Commission: $3,444
Settlement Date: 11/16/87

Vanguard Realty does not keep phone logs, nor did Racbel Turk ever answer tbe pbones in our offices, nor was she required to have any office participation, nor did sbe participate in any office coverage. Vanguart Realty does not keep, or provide, a productivity report of all agents in our office. There is no company known as Van Real Estate, Inc. that we are associated with that would require our providing the names of any other agents associated with that firm.

We are providing the enclosed information as a legal requirement of tbe subpoena and know of no reason why the information was requested. Since neither principal of Vanguard Real Estate, Inc. will be in the Washington, D.C area on Friday, May 12, 1989, we are hand delivering as of May 9, 1989 the enclosed information.

Sincerely,

/S/ Marc S. Fleisher
Vanguard Real Estate, Inc.

UNITED STATES BANIRUPTCY COURT
FOR THE DISTRICT OF MARYLAND

WOODROW WILLIAMS
GERALDINE WILLIAMS

DEBTORS

BERNARD KANSTOROOM

MOVANT

FILED July 10, 1987

CONSENT ORDER
MODIFYING STAY OF PROCEEDINGS

UPON CONSIDERATION of the Motions filed herein on behalf of Pel-Bern Electric, Inc., and Bernard Kanstoroom, Inc.,

Defined Benefit Plan Trust, and the conaenta of the parties hereto, it is this **15th day of July 1987**, by the United States Bankruptcy Court for the District of Maryland,

ORDERED, that the Stay of Prceedinge herein, with regart to the Debtors, their property, and that of the estate, be ant the same 1s hereb' aotified so as to perait Pel-Bern Electr$c, Inc., and Bernard lanatoroom, Inc., Defiaed Benefit Plan Trust to exercise their righta through foreclosure $n accortance

EF

with the terms of their respective Deeta of Trust; the Deet of Trust of Pel-Bern Electric, Inc., being dated Ju 22, 1986, and duly recortet among the Lant Records of Montgomer Count,, Marylant at Liber 7221, Folio 374 and the Deed of Trust to Bernard [anstoroom, Inc., Defined Benefit Plan Trust covering the real proper", ant improvementa thereon known as ant located at 12517 South Stable House Court, Potomac, Marylant, aait Deed of Trust being recordet among the Lant Record. of Hontgomery County, Maryland, in Liber 6728, Folio 791, prorltet Pel-Bern Electric, Inc., and Bernart [an~toroom, Inc., Definet Benefit Plan Trust through their trustees give notice to all aubord$nate lien holdere of their inteDtion to foreclose on said proper",. Pel-Bern Electric, Inc., or Bernard [anstoroom, Inc., Defined Benefit Plan Trust shall not commence foreclosure procedures on the contition that the folloving teres ant conditions are

complied with b' Debtore:~

1. That the Debtore ieaet$atel, list the

property for sale vith Hasine Swartzoan at Long ~ Foster Realtora, locatd in Poto~ac, Maryland for the 1$~t price of S38S,OOO.OO.

2. If no contract is procured by the Debtora and their realtor on or before

July 6, 1987, then the liating agree~ent ahell be reduced to the ~ua of S360,000.00.

3. That a contract for purchase of the subJect proper"' oust be procuret b, Ju 30, 1987, and aettlet on or before Septeaber 1S, 1987.

4. If a contract of aale ia procured froo a bona fide purchaser subaequent to Jul, 30, 1987, but prior to the foreclosure aale date and (a) ia accoopanied bj a pre-qualification letter fro~ a financial institution, (b) ia a non-coDtingent contract, (c) provites for no greater than 801 financing, ant (t) is accoopanied by a deposit repreaenting 102 of the contract price, then ant in those events the tiae in which the Debtora have to aettle under thia Conaent Agreement ahall be extented until October 1, 1987; and it is further

ORDERED, that if an, one of the above terms and contitions are not complied with in a timely fashion, Pel-Bern Electric, Inc., or Bernard Kanstoroom, Inc., Defined Benefit Plan Trust through their trustees are entitled to proceed immediately with foreclosure without further notice or order of Court; and it ia further

ORDERED, that no conversion of either Case Nuober 87-4-0966 or Case Nuober 87-4-0093 to a Chapter 7 proceeting or

the filing of a new bankruptcy action by the Debtor will result in an automatic stay of proceedings which would bar the foreclosure action against the subject property.

Paul Mannes -U.S. Bankruptcy Jutge

Date Entered: SEEN and CONSENTED TO:

/S/ Paul Mannes
U.S. Bankruptcy Judge

/S/ Brian R. Seeber, Eaguire

Counsel For Geraldine Joanne Williams and Woodrov W. Williams
451 Hungerford Drive
Sulte 505
Rockville, Maryland
20850

/S/ Nelson C. Cohen, Esquire
Counsel For Pel-Bern Electric, Inc.
4550 Montgomery, Avenue
Suite 780N
Bethesda, Maryland 20814

/S/ Douglas L. Lashley
Counsel for Bernard Kanstoroom,
Inc., Defined Benefit Plan Trust
6610 Rockledge Drive
Suite 400
Bethesda, Maryland 20817

cc: Douglas L. Lashley,
Nelson C. Cohen
Brian R. Seeber

Entered: 7/16/87

1987 WOODROW W. WILLIAMS, JR. 87-4-0093
BANKRUPTCY CASE RECORD

May 11 (15) Debtor's NOTICE of Motion for CONSOLIDATION W/CERTIFICA OF SERVICE ATTACHED - OBJ DATE: 5/28/87

May 12 (16) Motion to Withdraw as Counsel for the Debtor filed by Joseph Friedman.

May 12 (17) Schedules A/B filed with Statement of executory contract -and statement of financial affairs in sextuplet.

May 12 ADDITIONAL FILING FEE PAID

May 22 (19) Clerk's Proceeding Memo for 341 Hearing.

July 28 (20) Amendment to Schedule A-3 filed.

Aug. 25 (21) Line filed entering the appearance of MARK S. GOLDSTEIN as counsel for debtor.

Sep 9 MOTION NO. 87M-1185A motion to lift automatic stay filed by First *Union* Mortgage Cor and CBT Realty Corp.

Sept. 11 (22) Praecipe filed noting that Brian Seeber no longer repres. debtor and entering the appearance of Mark Goldstein as counsel.

Oct. 23 23) Application for Retention of Substitute Counsel.

Oct. 28 (24) Order Approving Retention of Substitute Counsel, tMARR **S. GOLDSTEIN)**, re: #23.

EG

Dec. 2 (25) Attorney's Disclosure Statement pursuant to Rule 2016.

Dec. 9 (26) Motion for Leave to WITHDRAW as counsel for debtor filed
by Goldstein, Blitz & Rosenberg.

Supreme Court, U.S.
FILED
MAR 6 1998
CLERK

(2)

DOCKET NO. 97-1299

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1997

WOODROW W. WILLIAMS, JR., et ux.,

PETITIONERS,

v.

SHERWIN E. TURK, et ux.,

RESPONDENTS.

ON PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF APPEALS OF MARYLAND

BRIEF OF RESPONDENTS IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

WILLIAM H. ROBERGE, JR.
Selzer & Roberge
800 South Frederick Avenue
Suite 303
Gaithersburg, MD 20877
(301) 963-6060

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STATEMENT OF THE CASE

This appeal arises out of a suit to quiet title filed by the Respondents, Sherwin and Rashel Turk, in the Circuit Court for Montgomery County, Maryland on September 14, 1995. The Complaint was accompanied by a Motion for Summary Judgment. In their Complaint and Motion Respondents alleged that they are the fee simple owners of real property known as 12517 Stable House Court, Potomac, Montgomery County, Maryland (hereinafter referred to as the "Property"); that the Petitioners created a cloud on Respondents' title to that property by filing a document styled "Lis Pendens" among the Land Records of Montgomery County, Maryland; that all litigation between the parties, including the litigation referred to in the "Lis Pendens", had been resolved in Respondents' favor and there was no litigation pending between the

parties; and that the Petitioners had refused to execute a release of the document styled "Lis Pendens". The Respondents sought relief in the form of an Order declaring that the document styled "Lis Pendens" is void and of no effect; that a decree be issued that the Respondents have absolute ownership and right of disposition of the Property; and that the Petitioners be enjoined from asserting any claim against the Property by action-at-law or otherwise.

On October 12, 1995, Petitioners filed a document styled Cross-Complaint to Quiet Title accompanied by a Motion for Summary Judgment. Following the filing of various related motions and answers, judgment was entered in favor of Respondents on all issues, by the Honorable William Turner, Judge, Circuit Court for Montgomery County, Maryland.

Petitioners appealed from the judgment of

the Circuit Court for Montgomery County, Maryland to the Court of Special Appeals of Maryland. Both parties filed briefs. On June 6, 1997, the Court of Special Appeals issued a per curiam opinion affirming the judgment of the Circuit Court (a copy of that opinion is attached as Exhibit "EA" to the Petition for Writ of Certiorari). Thereafter, Petitioners sought review by the Court of Appeals of Maryland by petition for writ of certiorari. Their petition was denied, as was their subsequent motion for reconsideration. On February 6, 1998, Petitioners filed the instant Petition for Writ of Certiorari in this Court.

The facts pertinent to the underlying Quiet Title action from which this appeal was taken are quite straightforward.

Respondents occupy real property at 12517 Stable House Court, Montgomery County,

Maryland as their personal residence. They acquired the property at a foreclosure sale on August 26, 1987, receiving a Substitute Trustees' Deed dated December 7, 1987 which is recorded among the Land Records of Montgomery County, Maryland at Liber 8066, folio 382. The Petitioners were the prior owners of the property and were defendants in the foreclosure proceeding through which Respondents acquired the property.

On October 23, 1987, Petitioners filed an objection to ratification of the foreclosure sale. On November 5, 1987, the Circuit Court for Montgomery County entered an Order ratifying the foreclosure sale. The Petitioners did not appeal the ratification of the foreclosure sale. Following a hearing, on January 19, 1988, the Circuit Court for Montgomery County entered an Order awarding possession of the property to Respondents.

Petitioners did not appeal from this order.

Petitioners filed two subsequent actions in the Circuit Court for Montgomery County challenging the foreclosure. Both of those actions resulted in judgments in favor of the defendants, including Respondents. Those judgments were affirmed by the Maryland Court of Special Appeals and subsequently, in each case, petitions for writs of certiorari were denied by both the Court of Appeals of Maryland and the United States Supreme Court. See Williams v. Kanstoroom, October Term, 1990, Docket No. 90-6982, pet. den. March 18, 1991, reh. den. April 29, 1991 and; Williams v. Kanstoroom, October Term, 1990, Docket No. 90-6983, pet. den. March 25, 1991.

On August 25, 1989, Petitioners filed yet another action, challenging the foreclosure, in the form of an adversary

proceeding in the United States Bankruptcy Court naming, inter alia, Respondents as defendants. On May 30, 1990, after a hearing, the Bankruptcy Court, entered an Order dismissing the Complaint. Petitioners appealed to the United States District Court for the District of Maryland, which affirmed the Bankruptcy Court dismissal in an Order issued July 25, 1991. Petitioners appealed to the United States Court of Appeals for the Fourth Circuit which, on July 30, 1992, affirmed the U.S. District Court's decision, per curiam.

On or about November 27, 1992, Petitioners filed a document styled "Lis Pendens" among the Land Records of Montgomery County, Maryland at Liber 10880, folio 683. That document states:

> Notice is hereby given to anyone interested in real property located at 12517 S.

Stable House Court, Potomac, Maryland 20854, also known as Lot 2, Block E, Potomac Commons.

Said real property is currently involved in court cases pending in Richmond, Virginia with an appeal planned to the United States Supreme Court in the near future,

Clear Title CANNOT be given on said real property.

Petitioners then filed a petition for writ of certiorari in the United States Supreme Court seeking review of the Fourth Circuit decision. Their petition was denied on February 22, 1993 (Williams v. Seeber, October Term, 1992, Docket No. 92-6848). The only litigation between the parties that was pending when Petitioners recorded the document styled "Lis Pendens" was that petition for writ of certoriari, which was denied.

On September 16, 1994, after discovering the "Lis Pendens" among the Land Records,

Respondents' counsel wrote to Petitioners requesting that they execute a release of the document styled "Lis Pendens". By letter dated September 22, 1994, Petitioners refused to execute the release, and the instant action ensued.

ARGUMENT

I. The Petition should be denied for failure to comply with Rule 14.4., Rules of the Supreme Court of the United States.

The Petition for Writ of Certiorari submitted by Petitioners herein is a confusing array of irrelevant statements, conclusions, and arguments. Petitioners have failed to "present with accuracy, brevity, and clarity whatever is essential to a ready and adequate understanding of the points requiring consideration...." Sup. Ct. R. 14.4. For this reason alone the Court should deny the Petition. Id.

II. Petitioners raise no compelling reason for the Court to grant their Petition.

As this Court's rules state, "[r]eview on a writ of certiorari is not a matter of right, but of judicial discretion." Sup. Ct. R. 10. "A petition for writ of certiorari will be granted only for compelling reasons." Id.

Subsections (b) and (c) of Rule 10 contain examples of such "compelling reasons", viz. conflict between the decision of a state court of last resort and that of another state court or United States Court of Appeals, or decision by a state court of an important federal question that should be settled by the Supreme Court.

Petitioners have not demonstrated any important federal question or conflict of decisions that requires the decision of this Court. Rather, at bottom they claim that

the courts below made erroneous factual findings or misapplied rules of law to those facts. A petition for writ of certiorari is "rarely granted" when based on such claims. Id.

III. Petitioners' claims have been rejected previously by this Court.

As noted above, Petitioners have sought review in this Court on three prior occasions of the same issues raised in the instant Petition. Two of those prior petitions followed decisions by the Court of Appeals of Maryland adverse to Petitioners (Williams v. Kanstoroom, October Term, 1990, Docket No. 90-6982 and Williams v. Kanstoroom, October Term, 1990, Docket No. 90-6983). The third petition arose out of an adversary proceeding in the United States Bankruptcy Court that was affirmed by the United States District

Court for the District of Maryland and the United States Court of Appeals for the Fourth Circuit (Williams v. Seeber, October Term, 1992, Docket No. 92-6848). All three previously filed Petitions for Writ of Certiorari were denied by the Court.

The Petitioners' repeated assertions of these claims is appalling. In addressing their conduct, Respondents cannot improve upon the concluding paragraph of the per curiam decision of the Court of Special Appeals in the proceeding below which is attached as Exhibit "EA" to the instant Petition for Writ of Certiorari:

> We register our amazement at the litigious stamina [Petitioners] have exhibited in the decade following the foreclosure proceedings concerning their former residence.... [Petitioners] should not confuse our amazement with laudation. [Petitioners] have again raised substantially the same issues that have been litigated, and rebuffed, thrice. Petitions for certiorari have been denied, judgments have been affirmed, yet [Petitioners]

continue their ill-advised campaign. What we are urging here is "enough." See Marquardt v. Papenfuse, 92 Md. App. 683, cert. denied, 328 Md 93 (1992). [footnote omitted].

CONCLUSION

This matter has been litigated and relitigated in the courts of the State of Maryland and the federal system for the past decade. Every court that could have reviewed this matter has done so, and each has rejected the arguments raised by Petitioners. For all the foregoing reasons, the instant Petition for Writ of Certiorari should be denied.

Respectfully submitted,

SELZER & ROBERGE

By: William H. Roberge Jr.

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(301) 963-6060
Attorney for Sherwin E. Turk and Rashel B. Turk

Supreme Court, U.S.
FILED
MAR 23 1998
CLERK

(3)

No. 97-1299

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1997

WOODROW WILLIAMS, JR.
AND
GERALDINE J. WILLIAMS

Petitioners,

- v -

SHERWIN E. TURK
AND
RASHEL TURK

Respondents.

On Petition For Writ of Certiorari
To The Court of Appeals, Annapolis, Maryland

PETITIONERS' RESPONSE TO RESPONDENTS IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

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Geraldine Williams
pro se
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PETITIONERS' RESPONSE

The Appellants' want to emphasis that this case arose out of a foreclosure that was absolutely precluded from taking place by the very case that the United States Supreme Court upheld and set the precedence for all foreclosures while under protection of the Bankruptcy Court as held in "Timbers of Inwood". The Petitioners' equity in their primary residence is substantial.

The Petitioners are now senior citizens and their primary residence represented their entire life's work and security in the petitioners' senior years. The respondents have created havoc, loss, financial devastation, incredible pain and suffering in the Petitioners' life.

The United States Supreme Court is charged with the responsibility of protecting citizens' rights under the law and their primary residences. Every case that has come before the United States Supreme Court involving a person's primary residence, the United States Supreme

Court has granted Certiorari, even where the Questions were the same. In this case, the primary residence is the life savings of senior citizens.

Without the intervention of this Court in the fraud against the Petitioners' by the Respondents, the Petitioners can never recover from this devastation. The Court's decision will deliver a powerful message to the entire world where HOUSING is considered to be the number ONE concern - where a senior citizen should have peace of mind and tranquility and be protected against the ravishes of fraud.

It is further alarming if this Court was to consider the inaccurate statements by the Respondents in their statement that "The Petition for Writ of Certiorari submitted by Petitioners is a confusing array of irrelevant statements, conclusions, and arguments. Petitioners have failed to present with accuracy, brevity, and clarity whatever is essential to a ready and adequate understanding

of the points requiring considering....". WITHOUT A DOUBT, IF THE RESPONDENTS HAD THE SAME SUFFERING, LOSS, ETC., THEY WOULD PURSUE THEIR RIGHTS UNDER THE LAW JUST AS ZEALOUSLY.

The Petitioners' have raised many compelling reasons for the Court to grant Petition for Certiorari.

The Petitioners' Senior Years will be determined by the decision of this Court and this case will be an indelible mark on Society.

The audacity of the Respondent, Sherwin Turk, who is also an attorney, demonstrates his lack of respect for this Court and his lack of understanding of what a "Federal Question" is when he stated "Petitioners have not demonstrated any important federal question or conflict of decisions that requires the decision of this Court". MORTGAGES ARE FEDERAL LAW AS WELL AS FORECLOSURES THAT TAKE PLACE WHILE UNDER

THE PROTECTION OF THE BANKRUPTCY COURT, AS WELL AS QUESTIONS PERTAINING TO THE CONSTITUTION. BANKRUPTCY LAW IS FEDERAL LAW PASSED BY CONGRESS. The Debtors have certain protection under the law while in bankruptcy and these protection were deliberately manipulated and tampered with by the respondents so as to defraud the petitioners of their primary residence. Bankruptcy Law, "Timbers of Inwood", foreclosure, and a mortgage (all Federal Law) are all a part of the Petitioners plea to this Court.

The Petitioners reiterate further that this Court not ignore the following as expounded on in their Petition for Writ of Certiorari:

- **There was no "lift stay hearing" and therefore the foreclosure was invalid and must be overturned according to the Law.**
- **The Consent Order was not signed by the Petitioners and the Petitioners had no knowledge of this**

consent order until five days before the foreclosure while still under the protection of the bankruptcy court. The Consent Order also had five errors in the Order rendering the Order invalid. An erroneous Consent Order cannot uphold a foreclosure.

- **The respondents are known foreclosers. The respondents had already foreclosed on another property in Potomac besides the petitioners' primary residence and then the respondents lied under oath to the Court stating that they had no where to go and then continued to live where they had been living for a year longer while only giving the petitioner's a week to find a place to live and move out (impossible after 20 years in a primary residence) and then physically throwing them and their belongings into the street.**

- **The Court Auditor's Report is incorrect with information provided by the one foreclosing.**

- **The Respondents did not comply with the**

foreclosure requirements as outlined in the advertisement.

- **The Respondents continued to pay the real estate taxes under the name of the Petitioners for an entire year after foreclosure.**

- **Previously, the Petitioners had obtained 1,800 signatures from across the country which were mailed to the United States Supreme Court in support of the Supreme Court granting certiorari and hearing this case.**

- **11 U.S.C. 362 states that an individual injured by a violation of the automatic stay shall recover actual damages, including costs and in appropriate circumstances, may recover punitive damages.**

- **Amendment XIV of the United States Constitution provides;**

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside or their property is located.

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

CONCLUSION

This Court's decision will leave an indelible mark on Society and set a precedence as to upholding fraud or upholding Justice. This case and its consequence will go down in History.

Clearly, the Petitioners' Rights Under the Law have been violated and there must be a viable remedy to this Miscarriage of Justice.

The Turks have manipulated this Court and other Courts by their (the Turks) lies, fraud, and misrepresentations for the sake of their greed. The Turks are again before the Court with misrepresentations and lies

asking this Court to absolve them and allow them (the Turks) to dispose of the Petitioners' (the Williams') property for their (the Turks) profit.

WHEREFORE, the Petitioners request: that this Honorable Court enter an Order allowing the "Lis Pendens" to remain in effect; and

That based on all that has been presented here and in the Petitioners' Petition for Writ of Certiorari to this Honorable Court, a decree be issued that the Turks are not absolute owners and have no right of disposition of the Property; and

That this Honorable Court return the Property to the Petitioners, Geraldine and Woodrow Williams, based on defective documents, no Lift Stay Hearing being held (a foreclosure cannot take place without a lift stay hearing), that the Petitioners had no knowledge of the Consent Order and did not sign the Consent Order, that the Petitioners were in an approved Chapter 13 under Bankruptcy

protection, that the Petitioners had (have) sufficient equity in their primary residence, and that the Respondents fell into non-compliance with the foreclosure Sale requirements; and

That this Honorable Court will be instrumental in ending the nightmare and denial of the Petitioners' Legal Rights under the Law who are now Senior Citizens; and

That this Honorable Court enter an Order awarding Petitioners' costs, and such other and further relief as this Court may deem appropriate.

The simple fact and truth remains that there is on the Land Records of Montgomery an INVALID FORECLOSURE. The United States Supreme Court is ultimately responsible for correcting invalid foreclosures when they are brought to the attention of the Court. At issue is FEDERAL LAW in the Bankruptcy, Mortgage and Constitution. To deny Certiorari would be tantamount to this Court making an indelible statement to Society that

because the respondent is an attorney he is Above the Law and can wreak havoc in an entire family and defraud this family, who are senior citizens, of their entire equity in their primary residence.... and the powers that be, the trier of the facts (Judges), and the United States Supreme Court all refuse to make the respondent who is an attorney adhere to the LAW and protect the People and their Rights under the Law according to the Constitution of the United States.

Respectfully submitted,

Woodrow W. Williams Jr

WOODROW W. WILLIAMS, JR.
pro se

Geraldine J. Williams

GERALDINE J. WILLIAMS
pro se

DATED: March 23, 1998